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NOTIFICATION.

No. L.D. 993—Legis. 35-52-3, dated Bangaloro, 1st September 1952.

In pursuance of the adoption of a motion by the Council of States on the 7th August 1952, the Cantonments (Amendment) Bill, 1952, with the statement of objects and reasons, is hereby published for the purpose of eliciting opinion of the public thereon.

The last date within which opinions may be sent is 30th September 1952.

Opinions should be sent addressed to the Secretary to Government, Law Department, Government of Mysore, Old Public Offices, Bangalore-1.

Opinions sent direct to the Council of States Secretariat, New Delhi, or to any other Ministry of the Government of India, will not be considered.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

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BILL No. IV OF 1952

THE CANTONMENTS (AMENDMENT) BILL, 1952

(AS INTRODUCED IN THE COUNCIL OF STATES).

A

BILL

further to amend the Cantonments Act, 1924.

BE it enacted by Parliament as follows:—

1. *Short title.*—This Act may be called the Cantonments (Amendment) Act, 1952.

2. *Amendment of section 2, Act II of 1924.*—In section 2 of the Cantonments Act, 1924 (hereinafter referred to as the principal Act),—

(*a*) after clause (ii) the following clause shall be inserted, namely:—

'(ii*a*) "boundary wall" means a wall which abuts on a street and which does not exceed eight feet in height;';

(*b*) in clause (iv), for the brackets and words "(other than a boundary wall not exceeding eight feet in height and not abutting on a street)" the brackets and words "(other than a boundary wall)" shall be substituted.

3. *Omission of section 2A, Act II of 1924.*—Section 2A of the principal Act shall be omitted.

4. *Amendment of section 4, Act II of 1924.*—In sub-section (1) of section 4 of the principal Act, after the words "The Central Government may," the words "after consulting the State Government concerned," shall be inserted.

5. *Amendment of section 12, Act II of 1924.*—In the proviso to sub-section (1) of section 12 of the principal Act, for the words "Provided that" the following shall be substituted namely:—

"Provided that where a member of the Military lands and Cantonments Service is not readily available for such appointment, a Military Officer may be appointed as an Executive Officer:

Provided further that"

6. *Amendment of section 26, Act II of 1924.*—In sub-section (3) of section 26 of the principal Act,—

(*a*) the words "or the inhabitants into classes," shall be omitted; and

(*b*) the words "or class, as the case may be" shall be omitted.

7. *Amendment of section 28, Act II of 1924.*—In sub-section (2) of section 28 of the principal Act, after clause (*dd*) the following clause shall be inserted, namely:

"(*ddd*) is a member of any other local authority; or"

8. *Omission of section 30, Act II of 1924.*—Section 30 of the principal Act shall be omitted.

9. *Amendment of section 31, Act II of 1924.*—In section 31 of the principal Act,—

(i) in clause (*a*) the words "or of the inhabitants of a cantonment into classes, or both" shall be omitted;

(ii) in clause (*b*) the word "or class of persons" shall be omitted.

10. *Amendment of section 34, Act II of 1924.*—To clause (*b*) of sub-section (1) of section 34 of the principal Act, the following *Explanation* shall be added namely :—

Explanation.—In computing the aforesaid period of three consecutive months, no account shall be taken of any period of absence with the leave of the Board.

11. *Amendment of section 43A, Act II of 1924.*—In sub-section (1) of section 43A of the principal Act, for the words " bazaar areas " the words " civil areas " shall be substituted.

12. *Amendment of section 73, Act II of 1924.*—In sub-section (3) of section 73 of the principal Act, for the words " as the Executive Officer may direct, " the words " as may be determined by rules made under section 280, " shall be substituted.

13. *Amendment of section 103, Act II of 1924.*—For sub-section (2) of section 103 of the principal Act, the following sub-section shall be substituted, namely :—

" (2) If any person when called upon under sub-section (1) to furnish information, neglects to furnish it within the period specified in this behalf by the Executive Officer or furnishes information which is not true to the best of his knowledge or belief, he shall be punishable with fine which may extend to one hundred rupees and shall also be liable to be assessed at such amount on account of tax as the Executive Officer may deem proper, and the assessment so made, shall, subject to the provisions of this Act, be final. "

14. *Amendment of section 113, Act II of 1924.*—In clause (*b*) of sub-section (1) of section 113 of the principal Act, for the words " one hundred rupees " the words " two hundred rupees " shall be substituted.

15. *Amendment of section 114, Act II of 1924.*—In sub-section (1) of section 114 of the principal Act,—

(*a*) for the words " fifty rupees " the words " one hundred rupees " shall be substituted ;

(*b*) in the proviso, for the words " two hundred rupees " the words " five hundred rupees " shall be substituted.

16. *Amendment of section 118, Act II of 1924.*—In sub-section (4) of section 118 of the principal Act,—

(*a*) after the word " picketed " the words " or straying " shall be inserted ; and

(*b*) the words " as if the animal had been found straying " shall be omitted.

17. *Amendment of section 181, Act II of 1924.*—In sub-section (6) of section 181 of the principal Act, for the words " one month ", wherever they occur, the words " two months " shall be substituted.

18. *Amendment of section 185, Act II of 1924.*—In sub-section (1) of section 185 of the principal Act, for the words " six months " the words " twelve months " shall be substituted.

19. *Substitution of new section for section 200, Act II of 1924.*—For section 200 of the principal Act, the following section shall be substituted, namely :—

" 200. *Power to transfer by public auction, etc.*—The Board may transfer by public auction, for any period not exceeding three years at a time, the right to occupy or use any stall, shop, standing, shed or pen in a public market, or public slaughter house, or the right to expose goods for sale in a public market or the right to weigh or measure goods sold therein, or the right to slaughter animals in any public slaughter house :

Provided that where the Board is of opinion that such transfer of the aforesaid rights by public auction is not considered desirable or expedient, it may, with the previous sanction of the General Officer Commanding-in-Chief of the Command,—

(*a*) either levy such stallages, rents or fees as it thinks fit; or

(*b*) farm the stallages, rents and fees leviable under clause (*a*) for any period not exceeding one year at a time"

20. *Amendment of section 210, Act II of 1924.*—To sub-section (2) of section 210 of the principal Act, the words "or that the premises in which the business is intended to be established or maintained are unsuitable for the purpose" shall be added.

21. *Amendment of section 235, Act II of 1924.*—In section 235 of the principal Act,—

(*a*) after the words "Officer Commanding the station", wherever they occur, the words "or the Board" shall be inserted;

(*b*) after the words "before him" the words "or the Board, as the case may be" shall be inserted;

(*c*) for the words "he may" the words "the Officer Commanding the station or, as the case may be, the Board may" shall be substituted.

22. *Amendment of section 237, Act II of 1924.*—In section 237 of the principal Act,—

(*a*) after the words "Officer Commanding the station", wherever they occur, the words "or the Board" shall be inserted;

(*b*) for the words "as he thinks necessary" the words "as he or it thinks necessary" shall be substituted;

(*c*) for the words "he may" the words "he or, as the case may be, the Board may" shall be substituted.

23. *Amendment of section 259, Act II of 1924.*—In section 259 of the principal Act,—

(*a*) in sub-section (1),—

(i) for the words "arrears of any tax and any other money recoverable by a Board under this Act," the words "arrears of any tax, rent on land and buildings and any other money recoverable by a Board or a Military Estates Officer under this Act or the rules made thereunder" shall be substituted;

(ii) for the words "tax or money" the words "tax, rent or money" shall be substituted;

(*b*) in sub-section (2) after the words "by the Executive Officer" the words "or the Military Estates Officer" shall be inserted.

24. *Amendment of section 280, Act II of 1924.*—In sub-section (2) of section 280 of the principal Act,—

(*a*) after clause (*k*), the following clauses shall be inserted, namely:—

"(*l*) the grant of leave to the members of the Board;

(*m*) the form of notices required to be sent under this Act and the manner of their service."

25. *Amendment of section 286A, Act II of 1924.*—Section 286A of the principal Act shall be re-numbered as sub-section (1) of that section and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

"(2) The Board may, by a resolution passed in this behalf, delegate to the President, Vice-President, Executive Officer or Health Officer, subject to such conditions, if any, as may be specified in the resolution, all or any of its

functions under sub-section (3) of section 82, sub-section (3) or clause (*b*) of sub-section (5) of section 119, section 131, sub-section (2) of section 132, section 143, section 161, section 163, section 164, section 168, section 169, section 189, section 190, section 191, section 194, section 195, section 196 or section 197."

STATEMENT OF OBJECTS AND REASONS.

In pursuance of a recommendation of the Conference of the Local Self-Government Ministers of States held on the 7th August, 1948, the Government of India set up the Central Committee on Cantonments under the Chairmanship of *Shri* S. K. Patil. The Committee *inter alia* reviewed the working of the Cantonments Act, 1924 and after taking into account the views and suggestions of State Governments, Local Bodies, Associations and individuals, made certain recommendations for amending the Act. The amendments proposed in this Bill are mainly based on the recommendations of that Committee. The amendments aim largely at increasing the efficiency of administration of Cantonment Boards and to bring the system of election in line with general principles adopted for Parliamentary and Municipal elections. It is proposed to abolish communal reservation on Boards and also to provide that one person should not be allowed to be a member of two Local Bodies at the same time. Certain consequential changes have also been made as a result of the introduction of adult franchise. Power has been taken by the Government to fill up short term vacancies in the office of the Executive Officer by Military Officers when officers of the Military Land and Cantonment Service are not readily available. Boards have been vested with greater powers in respect of recovery of dues and other matters for the sake of improving the efficiency in the administration. Certain amendments are intended to clarify some doubts about the application of certain sections. The Bill also deals with some minor difficulties disclosed by the working of the Act.

N. GOPALASWAMI.

NEW DELHI;
The 17th July, 1952.

ANNEXURE.

EXTRACTS FROM THE CANTONMENTS ACT, 1924 (II OF 1924).

* * * *

Section 2.

2. *Definitions.*—In this Act, unless there is anything repugnant in the subject or context,—

* * * *

(iv) "building" means a house, outhouse, stable, latrine, shed, hut or other roofed structure whether of masonry, brick, wood, mud, metal or other material, and any part thereof, and includes a well and a wall (other than a boundary wall not exceeding eight feet in height and not abutting on a street) but does not include a tent or other portable and temporary shelter ;

* * * *

Section 2A.

2A. *Rule of construction.*—In the application of this Act to any Part B State, any reference to an enactment not in force in that State shall be construed as a reference to the corresponding law in force in the State.

* * * *

Section 4.

4. *Alteration of limits of cantonments.*—(1) The Central Government may, by notification in the Official Gazette, declare its intention to include within a cantonment any local area situated in the vicinity thereof or to exclude from a cantonment any local area comprised therein.

* * * *

Section 12.

12. *Appointment of Executive Officer.*—(1) The Executive Officer of every cantonment shall be appointed by the Central Government, or by such person as the Central Government may authorise in this behalf, from the Military Land and Cantonments Service constituted by rules made under section 280 :

Provided that an Executive Officer appointed before the commencement of the Cantonments (Amendment) Act, 1936, shall, unless the Central Government otherwise directs in any case, be deemed to have been duly appointed in accordance with this sub-section.

* * * *

Section 26.

26. *Electoral rolls.*—

* * * *

(3) When a cantonment has been divided into wards, or the inhabitants into classes, the electoral roll shall be divided into separate lists for each ward or class, as the case may be.

* * * *

Section 30

30. *Joint families, etc.*—Notwithstanding anything hereinbefore contained, the Central Government may make rules conferring on the manager or representative of an undivided family or of any company or firm or other association or body or on any trustee of any land a right to be enrolled as an elector or to be nominated as a candidate at elections to a Board.

* * * *

Section 31

31. *Power to make rules regulating elections.*—The Central Government may, either generally or specially for any cantonment or group of cantonments, after previous publication, make rules consistent with this Act to regulate all or any of the following matters for the purpose of the holding of elections under this Act, namely :—

(*a*) the division of a cantonment into wards, or of the inhabitants of a cantonment into classes, or both ;

(*b*) the determination of the number of members to be elected by each ward or class of persons.

* * * *

Section 34

34. *Removal of members.*—(1) The Central Government may remove from a Board any member thereof who—

* * * *

(*b*) has absented himself for more than three consecutive months from the meetings of the Board and is unable to explain such absence to the satisfaction of the Board ; or

* * * *

Section 43A

43A. *Committee for bazars.*—(1) Every Board constituted under section 13 in a Class I Cantonment or Class II Cantonment shall appoint a committee consisting of the elected members of the Board, the Health Officer and the Executive Engineer for the administration of such areas in the cantonment as the Central Government may, by notification in the Official Gazette declare to be bazar areas, and may delegate its powers and duties to such committee in the manner provided in clause (*e*) of sub-section (1) of section 44.

* * * *

Section 73

73. *Notice of transfers.*—

* * * *

(3) The notice to be given under this section shall be in such form as the Executive Officer may direct, and the transferee or other person on whom the title devolves shall, if so required, be bound to produce before the Executive Officer any documents evidencing the transfer or devolution.

* * * *

Section 103

103. *Obligation to disclose liability.*—

* * * *

(2) If any person, when called upon under sub-section (1) to furnish information, neglects to furnish it or furnishes information which is not true to the best of his knowledge or belief, he shall be punishable with fine which may extend to one hundred rupees.

* * * *

Section 113

113. *Sanction.*—

* * * *

(*b*) which involves a value or amount exceeding one hundred rupees, shall require the sanction of the Board.

* * * *

Section 114

114. *Execution of contracts.*—(1) Every contract made by or on behalf of a Board the value or amount of which exceeds fifty rupees, shall be in writing, and every snch contract shall, be signed by two members, of whom the President or the Vice-President shall be one, and be countersigned by the Executive Officer and be sealed with the common seal of the Board :

Provided that the Executive Officer may in a case of urgency, with the previous sanction of the President of the Board, execute on behalf of the Board any contract the value or amount of which does not exceed two hundred rupees.

* * * *

Section 118

118. *Penalty for causing nuisances.*—

* * * *

(4) Any animal found picketed as aforesaid may be removed by any officer or servant of the Board or by any police officer to a pound as if the animal had been found straying.

* * * *

Section 181

181. *Power of Board to sanction or refuse.*—

* * * *

(6) Where the Board neglects or omits, for one month after the receipt of a valid notice, to make and to deliver to the person who has given the notice any order of any nature specified in this section, and such person thereafter by a written communication sent by registered post to the Board calls the attention of the Board to the neglect or omission, then, if such neglect or omission continues for a further period of fifteen days from the date of such communication the Board shall be deemed to have given sanction to the erection or re-erection, ast he case may be, unconditionally :

Provided that, in any case to which the provisions of sub-section (*3*) apply, the period of one month herein specified shall be reckoned from the date on which the Board has received the report referred to in that sub-section.

* * * *

Section 185

185. *Power to stop erection or re-erection or to demolish.*—(*1*) A Board may, at any time, by notice in writing, direct the owner, lessee or occupier of any land

in the cantonment to stop the erection or re-erection of a building in any case in which the Board considers that such erection or re-erection is an offence under section 184, and may in any such case or in any other case in which the Board considers that the erection or re-erection of a building is an offence under section 184, within six months of the completion of such erection or re-erection in like manner direct the alteration or demolition as it thinks necessary, of the building or any part thereof, so erected or re-erected :

Provided that the Board may, instead of requiring the alteration or demolition of any such building or part thereof, accept by way of composition such sum as it thinks reasonable :

Provided further that the Board shall not, without the previous concurrence of the Officer Commanding-in-Chief, the Command, accept any sum by way of composition under the foregoing proviso in respect of any building on land which is not under the management of the Board.

* * * *

Section 200

200. *Levy of stallages, rents and fees.*—A Board may—

(*a*) charge for the occupation or use of any stall, shop, standing, shed or pen in a public market, or public slaughter-house, or for the right to expose goods for sale in a public market, or for weighing or measuring goods sold therein, or for the right to slaughter animals in any public slaughter-house, such stallages, rents and fees as it thinks fit ; or

(*b*) with the sanction of the Officer Commanding-in-Chief, the Command, form the stallages, rents and fees leviable as aforesaid or any portion thereof for any period not exceeding one year at a time ; or

(*c*) put up to public auction, or with the sanction of the Officer Commanding-in-Chief, the Command, dispose of by private sale, the privilege of occupying or using any stall, shop, standing, shed or pen in a public market or public slaughter-house for such term and on such conditions as it thinks fit.

* * * *

Section 210

210. *Licences required for carrying on of certain occupations.*—

* * * *

(2) A licence granted under sub-section (1) shall be valid until the end of the year in which it is issued and the grant of such licence shall not be withheld by the Board unless it has reason to believe that the business which it is intended to establish or maintain would be offensive or dangerous to the public.

* * * *

Section 235

235. *Power to remove brothels and prostitutes.*—The Officer Commanding the station may, on receiving information that any building in the cantonment is used as a brothel or for purposes of prostitution, by order in writing setting forth the substance of the information received, summon the owner, lessee, tenant or occupier of the building to appear before him either in person or by an authorised agent, and, if the Officer Commanding the station is then satisfied as to the truth of the information, he may, by order in writing, direct the owner, lessee, tenant or occupier, as the case may be, to discontinue such use of the building within such period as may be specified in the order.

* * * *

Section 237

237. *Removal of lewd persons from cantonment.*—If the Officer Commanding the station is, after such inquiry as he thinks necessary, satisfied that any person residing in or frequenting the cantonment is a prostitute or has been convicted of an offence under section 236, or of the abetment of such an offence, he may, cause to be served on such person an order in writing requiring such person to remove from the cantonment within such time as may be specified in the order, and prohibiting such person from re-entering it without the permission in writing of the Officer Commanding the station.

* * * *

Section 259

259. *Method of recovery.*—(1) Notwithstanding anything elsewhere contained in this Act, arrears of any tax and any other money recoverable by a Board under this Act may be recovered together with the cost of recovery either by suit or, on application to a Magistrate having jurisdiction in the cantonment or in any place where the person from whom such tax or money is recoverable may for the time being be residing, by the distress and sale of any movable property of, or standing timber, growing crops or grass belonging to, such person which is within the limits of such Magistrate's jurisdiction, and shall if payable by the owner of any property as such, be a charge on the property until paid:

Provided that the tools of artisans shall be exempt from such distress or sale.

(2) An application to a Magistrate under sub-section (1) shall be in writing and shall be signed by the President or Vice-President of the Board or by the Executive Officer, but shall not require to be personally presented.

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